
Appeal Decision

Site visit made on 20 April 2015

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th April 2015

Appeal Ref: APP/Q1445/D/15/3005161
158 Tivoli Crescent North, Brighton BN1 5NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Sadeghi against the decision of Brighton & Hove City Council.
 - The application Ref. BH2014/03587, dated 16 October 2014, was refused by notice dated 17 December 2014.
 - The development proposed is a rear first floor extension above existing flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for a rear first floor extension above existing flat roof at 158 Tivoli Crescent North, Brighton BN1 5NA in accordance with the terms of the application Ref. BH2014/03587, dated 16 October 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, drawing nos. 14.10.2 and 14.10.20.005.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Before the first occupation of the extension hereby permitted, the proposed new windows in the flank wall facing no.160 Tivoli Crescent North shall be fitted with obscured glass and shall be permanently retained in that condition.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance the host dwelling and the wider area, and the effect on the living conditions of the adjoining occupiers at no.160 in terms of outlook.

Reasons

3. The appeal property is a detached house located on the eastern side of Tivoli Crescent North. The house is set below street level and the plot continues to

fall steeply towards the rear boundary. Utilising the slope of the land the house has been extended at the rear with lower ground, ground and first floor additions. These existing additions include a lower ground/ground floor extension with a false pitch around the edge of a flat roof and tall vertical folding windows/doors on each floor. It is proposed to build over the flat-roofed area to create an enlarged bedroom and en-suite bathroom.

Character and Appearance

4. The Council is concerned that the cumulative impact of extensions at the property would not be subservient to the original dwelling and there would be a lack of moderation and visual relief on the rear elevation. However, the Council also states that *'the extension's visual prominence would be significantly enhanced by a number of key design features. These include the proposed roof being designed to have the same ridge height as the main roof, and the uniform adoption of narrow folding doors at all levels'*.
5. The proposal would add further bulk to the rear of the property and the totality of extensions would not be subservient to the original dwelling as required by the Council's adopted guidance in SPD12¹. Nevertheless, that is general guidance and I consider that, in this case, the lack of subservience would be outweighed by the more cohesive design which would be achieved. In particular, the roof treatment of the proposed extension would be more sympathetic to the character of the original dwelling than the existing extension roof form.
6. While the Council maintains that, as a result of the extension, the dwelling would appear more prominent when seen across the valley, the house is seen in the general context of all the dwellings on this hillside. These are distant views and, in my opinion, there would be no material landscape harm resulting from the proposed extension which would also be seen against the backdrop of the original house.
7. I conclude that the proposed development would not be detrimental to the character and appearance of the host dwelling or the wider area. As such, it would not conflict with saved policy QD14 of the Brighton and Hove Local Plan 2005 which, among other things, requires extensions to be well designed and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Living Conditions

8. With regard to no.160, that property has also been extended. It sits further back on its plot and at a slightly higher level and is also, to some extent, angled away from the appeal dwelling. The proposed extension, including the eaves, would not extend further towards no.160 than the existing side wall. There are 4 first floor windows in the flank wall of no.160 facing the appeal site. There would be some loss of outlook from these windows but, from drawings supplied by the Council, these are all secondary windows to two bedrooms, with the main windows in both those rooms facing either to the front or the rear. Moreover, according to the terms of the planning permission for the extension to no.160, the rearmost two windows are required, by condition, to be glazed with obscured glass.

¹ Supplementary Planning Document SPD12 - Design Guide for Extensions and Alterations (2013) (SPD12)

9. As no.160 sits further back on its plot, and there is intervening vegetation near the boundary, I do not consider that the proposed extension would appear unacceptably overbearing or obtrusive when viewed from the main garden area of no.160.
10. I conclude that the proposal would not harm the living conditions of the adjoining occupiers in terms of loss of outlook. It would therefore not conflict with Local Plan policy QD27 which seeks to protect the amenity of adjacent users.

Conditions

11. I have considered the need for conditions in the light of the advice in the Planning Practice Guidance and the suggested conditions put forward by the Council.
12. For the avoidance of doubt, and in the interests of proper planning, it is necessary to require that the development is carried out in accordance with the approved plans.
13. I agree that, in the interests of the appearance of the development, it is necessary to require that the materials match those of the existing dwelling.
14. I also consider that, to protect the privacy of the occupiers of no.160, it is reasonable to require that the proposed flank wall windows are glazed with obscured glass.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Isobel McCretton

INSPECTOR

